IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 799 of 2006 (M/B)

1. Devendra Sharma S/o Vajeer Chandra Sharma,
2. Smt. Rachna Sharma W/o Devendra Sharma,.
   R/o In Front of Shiv Mandir Mohalla,
   Avas Vikas Colony, Ranipur More,
   Haridwar P.S., District Haridwar.
3. Kiren Sharma S/o Vajeer Chandra Sharma.
4. Smt. Madhu Sharma W/o Sri Kiren Sharma.
5. Abhishek Sharma S/o Kiren Sharma.
   R/o Plot No. 2 Shivam Enclave,
   Bhuptawala P.S. and District Haridwar.
6. Madhusudan Bharadwaj S/o Sri Hemraj Bharadwaj,
   R/o 46A, Gali No. 2,Khanna Nagar,
   P.S. Jwalapur, District Haridwar. …… Petitioners

Versus

1. State of Uttaranchal,
   through Senior Superintendent of Police,
   Haridwar.
2. Station House Officer,
   Police Station Kotwali Haridwar,
   District Haridwar.
3. Ram Awatar Dutta S/o Harbans Lal,
   R/o Plot No. 1, Shivam Enclave,
   Bhupatwala, P.S. Haridwar,
   District Haridwar. …… Respondents

Mr. Vivek Shukla, Advocate for the petitioners.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.
Mr. Diwakar Chamoli, Advocate for respondent No. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Vivek Shukla, Advocate for the petitioners.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

Mr. Diwakar Chamoli, Advocate for respondent No. 3.

The are heard on admission.

2. The Petitioners have filed this writ petition for the following reliefs:

"a) Issue a writ, order or direction in the nature of certiorari quashing and setting aside the impugned FIR as case crime no. 524/06 Under Section 420, 467, 468, 471, 406 and 506 of I.P.C. P.S. Kotwali Haridwar district Haridwar which is annexure-1 to this writ petition.

b) Issue a writ order or direction in the nature of mandamus commanding and directing the respondent no. 1 & 2 not to arrest the present petitioners during the pendency of this writ petition.

c) Pass any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

d) Award cost of the petition in favour of the petitioners."

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No. 524 of 2006 registered at Police Station Kotwali Haridwar, District Haridwar for the alleged commission of the offences punishable under Sections 406, 420, 467, 468, 471 and 506 of the I.P.C.

4. On due consideration of the submissions of the learned counsel for the parties and the serious nature of the allegations against petitioners Devendra Sharma, Smt. Rachna Sharma, Kiren Sharma, Smt. Madhu Sharma, Abhishek Sharma and Madhusudan Bharadwaj in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners are yet to face.

5. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

6. Consequently, CLMA No. 8395 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 07.07.2006

(Rajeev Gupta, C. J.) 07.07.2006

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